



U.S. Department of Justice

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PRESS RELEASE

FOR IMMEDIATE RELEASE

**UNITED STATES ATTORNEY ANTHONY J. JENKINS ISSUES
PRESS RELEASE ABOUT OFFICE'S ACCOMPLISHMENTS
IN FINANCIAL LITIGATION IN 2005**

United States Attorney Anthony J. Jenkins issues this Press Release about the U.S. Attorney's Office's accomplishments in Financial Litigation during 2005. Although the U.S. Attorney's Office is known for enforcing the criminal laws of the United States, the Office also records and enforces the collection of debts due to the United States. Some of these debts include special assessments, fines and restitution on the criminal side. On the civil side, the U.S. Attorney's Office collects money for civil fraud against the United States, environmental judgments, proceeds from forfeited assets for criminal activity, bankruptcy plans, and student loans, to name a few. The U.S. Attorney's Office collects money through a small unit within its office, referred to as the Financial Litigation Unit, or the FLU.

On the civil side, the U.S. Attorney's Office collected \$ 3,692,000 in 2005, and on the criminal side, it collected \$ 133,000 during that year. The money collected during 2005 would have been more than sufficient to fund all of the operations of the U.S. Attorney's Office for this District if it had been used for that purpose.

In fact, though, the money collected from criminal cases by the U.S. Attorney's Office is used almost exclusively to assist the victims of crime. For every count of an indictment charging a felony for which a Defendant is convicted, he or she must pay a special assessment of One Hundred Dollars. If the Defendant has the ability to pay, upon conviction, he or she may be ordered to pay a fine. Money collected for special assessments, bond forfeitures and fines are paid into the Crime Victims Fund which is used to fund programs that aid victims through the Office of Victims of Crime ("OVC").

These programs are important to victims of crime. In Fiscal Year 2006, for example, the Virgin Islands received \$634,387 in funds for victim assistance and \$88,000 for victim compensation. This is the Virgin Islands' portion of the \$539 Million Dollars distributed throughout the United States. In the Virgin Islands, the Law Enforcement Planning Commission is the local agency set up to administer the victim assistance program by distribution of the moneys to local victim assistance programs.

Examples of programs in the Virgin Islands that have received money from the OVC are the Safety Zone in St. John, the Family Resource Center and Kidscope in St. Thomas and Casa of the Virgin Islands and the Women's Coalition in St. Croix. In addition, the Virgin Islands Police Department, the Virgin Islands Department of Human Services, Catholic Charities of the Virgin Islands and Legal Services of the Virgin Islands have also received funding from the OVC.

Dr. Iris Kern, the Director of the Safety Zone, stated:

It is appropriate for the criminal justice system to utilize the grant money from the OVC in this fashion, because it completes the circle. The criminal defendant in that way gives money back to the victim, and helps the victim to be made whole.

Dilsa Capdeville, the Director of Kidscope, said that her organization has received money from the OVC, and it has helped her organization to provide necessary money to service clients.

Through Victim Compensation grants, the OVC is also used to reimburse witnesses for their losses from being victimized by crime by making grants to local agencies, such as the Virgin Islands Department of Human Services. In turn, the Virgin Islands Criminal Victims Compensation Commission, Department of Human Services is able to compensate victims of crime directly for medical, mental health, funeral, and other expenses and provide for lost wages and loss of support.

Other money collected in criminal cases represents money collected for restitution for victims. In all criminal cases involving a crime of violence, fraud, or in which a victim has a financial loss or physical injury, the Mandatory Victim Restitution Act requires the mandatory payment of restitution regardless of the defendant's financial resources. The U.S. Attorney's Office enforces any restitution judgment imposed on the defendant in the same manner as a debt owing to the United States.

Attorney Jenkins pointed out that the U.S. Attorney's Office also collects civil debts for the United States. These debts include defaulted student loans, as well as foreclosures of SBA and Rural Development loans. With respect to student loans, the Department of Education guarantees such loans made at low interest rates to full time students. The loans are made by banks and other institutions. The student has a grace period after leaving school or ceasing to carry at least one half the normal academic work load before his obligation to repay the loan commences. This program is designed to ensure that all persons desiring a higher education are financially able to reach their goals. Although, as Attorney Jenkins stated, we encourage voluntary compliance with the repayment provisions of the guaranteed student loan program, the U.S. Attorney is prepared to file lawsuits where there is evidence of default in meeting one's obligation to repay his or her student loan.

Attorney Jenkins stated that he looks forward to another successful year in the

Office, where in addition to trying cases, the Office through its FLU will be as effective in enforcing debts due and owing to the United States, and assisting in collecting criminal debts to assist victims of crime.